

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

KATHRYN KNOWLTON, et al,

Plaintiffs,

v.

Case No. 20-CV-01660

CITY OF WAUWATOSA, et al,

Defendants.

**PLAINTIFF'S MOTION FOR SANCTIONS
UNDER FRCP 37(e), Rule 37(a)(4), and Rule 37(b)
AND REQUEST FOR ORAL ARGUMENTS**

Plaintiffs, by and through their undersigned counsel, move this Honorable Court for discovery sanctions against Defendants and Defendants' Counsel as provided under FRCP 37(e), Rule 37(a)(4), and Rule 37(b), and request oral arguments before this Court. The grounds for this Motion are more fully set forth in the accompanying Memorandum of Facts and Law, which is incorporated by reference as if fully set forth herein. Plaintiffs seek sanctions and costs associated thereto, including those associated with this motion.

RULE 37(a) CERTIFICATION

Since the filing of Plaintiffs' initial request for production of documents on January 6, 2021, over a full year ago, counsel for Plaintiffs certify that they have made multiple good faith efforts to obtain properly demanded discovery before and without court intervention. These efforts include multiple meet and confer attempts, and innumerable correspondence. Despite Plaintiffs' best efforts and good faith, progress has been limited as well as directly obstructed by Defendants. Defendants actions including destroying evidence, defiance of multiple court orders demonstrates a pattern and practice of obstruction in an obvious attempt to frustrate the process, continue delay,

and directly result in substantial prejudice, not to mention costs and expense, to the Plaintiffs. Despite informal and procedurally required good faith attempts, Plaintiffs are forced to now seek this Court's intervention in the form of sanctions. Defendants continue to take for granted that the Court will simply give them more time and more chances. Now upon the close of discovery, it is necessary in the interest of justice and the course of this case, to abide by the rule of law, follow the proscribed procedures and move this case to appropriate trial and disposition.

Dated this 21st day of January, 2022.

COUNSEL FOR PLAINTIFFS

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